

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

CENTER FOR BIOLOGICAL
DIVERSITY,

Petitioner,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY; and

LEE ZELDIN, in his official capacity
as Administrator of the United States
Environmental Protection Agency,

Respondents.

Case No. 25-10515

UNOPPOSED MOTION TO EXTEND BRIEFING SCHEDULE

Respondents, the United States Environmental Protection Agency and Lee Zeldin, in his official capacity as its Administrator, (collectively, “EPA”) move under Federal Rule of Appellate Procedure 26(b) and Eleventh Circuit Rule 31-2 to extend the briefing schedule. Good cause exists here to extend the briefing schedule. Pursuant to Eleventh Circuit Rules 26-1 and 27-1(a)(5), the undersigned counsel for EPA has consulted with counsel for Petitioner Center for Biological Diversity and Intervenor Mosaic Fertilizer, LLC. The Center and Mosaic do not object to this Motion and agree to the briefing schedule as set forth below.

1. As stated by the Court in its April 16, 2025 Briefing Notice, Petitioner's brief is due May 27, 2025, Respondent's brief is due 30 days later, or June 26, 2025, and Petitioner's reply brief is due 21 days later, or July 17, 2025.

2. The United States' brief must be coordinated between and undergo multiple rounds of review within EPA and the U.S. Department of Justice. Thus, the United States requires additional time to prepare its brief. Accordingly, Respondents request an extension of the briefing schedule, which is consistent with what the United States typically requests for a petition for review such as this one.

3. In addition, the parties wish to accommodate previously scheduled leave for Mosaic's counsel at the end of August and avoid conflicts with the Independence Day and Labor Day holidays. To that end counsel for all parties agreed upon the following briefing schedule: The Center files its brief by July 11, 2025, EPA and Mosaic file their briefs by September 12, 2025, and the Center files its reply brief by October 3, 2025.

4. The parties have not previously sought an extension of the briefing schedule.

5. For good cause shown, this Court should grant this Motion to extend the briefing schedule.

Dated: May 16, 2025.

Respectfully submitted,

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
Environment & Natural Resources Division

/s/ Mario A. Luna
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Counsel for Respondents

Center for Biological Diversity v. U.S. EPA

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Eleventh Circuit Rule 26.1-1, the undersigned certifies that, to the best of his knowledge, the certificate of interested persons and corporate disclosure statement submitted by Intervenor, Mosaic Fertilizer, LLC, on March 20, 2025, is correct and complete.

Dated: May 16, 2025.

Respectfully submitted,

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
Environment & Natural Resources Division

/s/ Mario A. Luna
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CERTIFICATE OF COMPLIANCE

I hereby certify:

1. This document complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Rule 32(f), this document contains 312 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Rule 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **UNOPPOSED MOTION TO EXTEND BRIEFING SCHEDULE** has been filed with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit this 16th day of May 2025, using the CM/ECF System, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Mario A. Luna
Mario A. Luna